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BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE, NO. 01-244 (Charles W. Cope)
SC01-2670

Case No.

**SPECIAL COUNSEL'S MOTION
FOR APPOINTMENT OF COMMISSIONER TO TAKE
DEPOSITIONS OUT OF STATE AND AUTHORIZING ISSUANCE OF SUBPOENAS**

Pursuant to Florida Judicial Qualifications Commission Rule 12(a) and Florida Rules of Civil Procedure 1.280(a), 1.300, and 1.310, the Special Counsel hereby moves for entry of an Order authorizing Atkinson-Baker, Inc., as a Commissioner to administer oaths and take deposition testimony in the State of California, and authorizing California Legal Support Services to have a subpoena issued and served for said deposition, and would show as follows:

The proposed deponents are Sandra Beckinger, Max Hoseit, and a Normandy Inn representative (the "Deponents"). The Deponents reside in California and have knowledge of facts material and relevant to this action.

1. Deponents live outside the State of Florida and cannot be subpoenaed for trial. Accordingly, the only way to present testimony before the Florida court is by deposition.

2. Atkinson-Baker are certified court reporters and notaries public, who are authorized to take oaths and depositions within the State of California.

3. California Legal Support Services is authorized to serve process in the State of California.

4. To obtain the subpoenas under California law, the Special Counsel must open a case in California and provide the California clerk with, among other things, certified copies of an order directing that a commission issue and a duly issued commission.

WHEREFORE, the Special Counsel respectfully moves for an order appointing a commissioner and directing that a commission issue.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail to: **Louis Kwall, Esq.**, Kwall, Showers & Coleman, P.A., 133 N. St. Harrison Ave., Clearwater, Florida 33755; **Robert W. Merkle, Jr., Esq.**, Co-Counsel for Respondent, 5510 W. La Salle Street, #300, Tampa, Florida 33607-1713; **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Ave., Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32301; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602, this 20th day of February, 2002.

Special Counsel
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By: _____

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